

Staff Summary Report

City Council Meeting Date: 04/03/08

Agenda Item Number: 17

SUBJECT: This is a public hearing for GERDES RESIDENCE, to eliminate previous conditions of approval to allow the replat of one existing lot into two, located at 8404 South Kachina Drive.

DOCUMENT NAME: 20080403dsrl03

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Request for **GERDES RESIDENCE (CC060020/PL080065)** (Michael and Diane Gerdes, property owners/applicant) to eliminate the described conditions of approval from the City Council decision on June 29, 1978, in order to allow the subdivision of one existing lot into two, located at 8404 South Kachina Drive in the R1-7, Single-Family Residential District, eliminating the following:

Case Z-78.5 Ordinance No. 808.57, Zoning Request Conditions

#3 Lots on the western boundary shall be a minimum of $\frac{3}{4}$ acre in gross lot area.

#5 The zoning of this parcel is contingent on the preliminary subdivision and limited to no more than 192 lots on the 81.6 acre site.

Case S-78.17, Final Subdivision Map – Estate La Colina Condition

#5 Of the total 88 lots in Phase I, the lots on the western boundary shall be a minimum of one acre in gross lot area.

PREPARED BY: Ryan Levesque, Senior Planner (480-858-2393)

REVIEWED BY: Lisa Collins, Planning Director (480-350-8989)
Chris Anaradian, Development Services Manager (480-858-2204)

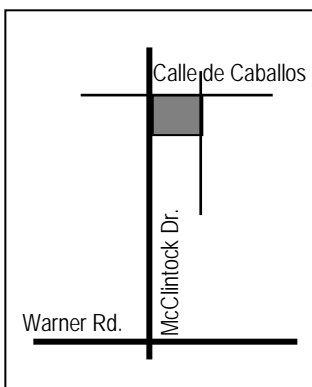
LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval, subject to conditions 1 - 4

ADDITIONAL INFO: This request was previously approved by City Council on July 20, 2006 with an added stipulation that the request be tied to these owners only and that a building permit would be issued within 18 months of the approval. To this date, no permit has been issued and the previous approval has lapsed as a result of the conditions. The same owners/applicants request to seek a new approval from the City Council in order to allow the development of an additional home to the south of the existing dwelling.

Staff has received opposition on this request.



PAGES:

1. List of Attachments
- 2-4. Comments / Reason for Approval / Conditions of Approval
5. History & Facts / Description

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
- 3-6. Letter of Explanation
7. Site Survey
- 8-9. Gerdes Subdivision Plat
10. Estate La Colina Subdivision Plat
- 11-13. Previous Conditions of Approval (Case Z-78.5 and S-78.17)
- 14-15. Approval letter for 8444 S. Kachina Drive
- 16-23. Letters of Opposition (Previous Case 7/20/06)
24. NEW Letter of Opposition (3/25/08)
- 25-26. PROPOSED Conceptual Plans for Site

COMMENTS:

This site is located at the southeast corner of McClintock Drive and Calle de Cabellos, with access frontage on Kachina Drive. The current property owners are requesting to eliminate previous conditions of approval for the lot located at 8404 South Kachina Drive, in order to subdivide the existing lot into two to build an additional single-family home in the Estate La Colina Unit 1 Subdivision. The applicant does not intend to demolish the existing home on the lot, but instead to have a second home built adjacent to it. This request received a previous approval for the same request by City Council on July 20, 2006. The applicant then proceeded to complete the subdivision lot split request, receiving approval on September 7, 2006 and later recorded the plat with the Maricopa County Recorders. To this date the applicant has not submitted plans for constructing a new home and as a result of an added time stipulation from Council, the approval has lapsed, leaving a subdivided property with no authorization to construct a home on the new lot. The notice of the expired approval came when the adjacent residents who opposed the initial request, inquired on the status of constructing a new home. After communication with the residents, Michael Gerdes was notified of the expired approval. This prompted the current request to seek re-approval to allow the future development of the replatted lot. As part of the previous conditions of approval the applicant completed a portion of the conditions but did not complete the time stipulation resulting in a null and void approval.

PREVIOUS CONDITIONS OF APPROVAL (JULY 20, 2006):

1. The owner(s) shall process an Amended Subdivision Plat for this site, prior to issuance of building permits. **COMPLETED**
2. The Subdivision Plat shall be put into proper engineered format with appropriate signature blanks and recorded, prior to the issuance of building permits, with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department. **COMPLETED**
3. Future home to be built on the subject lot shall be no smaller than 2,700 square feet in building area.
4. No future variances or use permit standards for setbacks shall be granted for the two new lots.
5. Lot 2 shall have a minimum front yard setback of forty (40) feet.
6. The owner shall provide a one (1) foot non-vehicular access easement along the north property line of Lot 1. **COMPLETED**
7. This approval shall be tied to this specific owner with the requirement that the current existing building remain, with a new building built by these owners, and a building permit issued within eighteen (18) months. Failure to comply with those stipulations will cause this approval to lapse. (ADDED BY CITY COUNCIL) **EXPIRED**

The property's current zoning designation (R1-7, Single-Family) would allow the property to be subdivided by right to allow another residential lot. Current zoning standards include the following:

General Development Standards	R1-7
Density (DU/acre)	3.75
Minimum Net Site Area per Dwelling	7,000 sf
Minimum Lot Width	70 ft
Minimum Lot Length	100 ft
Maximum Height	30 ft
Maximum Lot Coverage (% of net site area)	45%
Setbacks	
Front - Building	20 ft
Front – Open Structures	15 ft
Side	7 ft
Rear (Reverse Frontage Lot)	15 ft (20 ft)
Street Side	20 ft

The proposed subdivision would meet the technical standards of the district, with a proposed eighty-five (85) feet wide lot, exceeding

the minimum required width by fifteen (15) feet. The minimum net site area required is proposed at a much larger size, (min. proposed 22,091 s.f.) due to the extra depth of the lot. Because of past conditions of approval placed on the original rezoning and subdivision back in 1978, the western lots along McClintock Road were conditioned to be a minimum of three-quarter ($\frac{3}{4}$) acre and one (1) acre total in gross lot size (separate conditions). In order to process a subdivision of the Gerdes' property (Lot 45 of the original subdivision), the owners must request to eliminate the previous conditions of approval for the site, to allow lots smaller in size than the original condition required.

Some residents have voiced concerns that the addition of another lot and home would be out of character from the neighborhood. The existing western boundary properties adjacent to McClintock are not typical lots in this neighborhood. The average lot width in the neighborhood is 93 to 95 feet in width (Lot 45 proposed lot widths: 150 and 85 feet). The one lot that has a similar lot width to the proposed subdivision is located at 8415 South Kachina Drive, the home directly across from the proposed lot in question, with a lot width of eighty-six (86) feet. Another statistic to note, of the 88 lots within Estate La Colina Unit 1 Subdivision, the average lot size is 0.348 acres, including the larger western lots. The Gerdes' proposed subdivision for Lot 1 is (0.896) acres and Lot 2 at (0.507) acres, substantially larger than most of the lots in the neighborhood.

Previous Approvals

On June 29, 1978, this particular residential development area came before City Council requesting by the developer at the time, a rezoning from AG to R1-7, including a subdivision plat for the northeastern area of McClintock Drive and Warner Road (See Attachments). At the hearing there was opposition to the request, with a valid zoning protest petition filed. Discussion ensued on whether the applicant could develop under the R1-8 zoning designation instead. The developer explained that it was possible to develop under the R1-8 standards but preferred R1-7 district. The developer had explained that all lots on McClintock will be one acre in size. This appears to be the result of concerns for this type of density developing on the other side of McClintock Drive, additional conditions were imposed to the approval of the request, limiting the number of lots and the lot size.

On October 29, 1992, the City Council approved a request similar to the Gerdes Residence for John N. Cochran to split Lot #46 into two separate lots, located at 8444 South Kachina Drive (the two properties immediately south of the Gerdes property), see Attachments. Some of the concerns expressed by the residents at that time were the concern that the lot split would reduce the value of the neighborhood. Several homeowners signed a petition, agreeing with additional conditions that would provide improvements along Palomino Drive and require a minimum lot and future home size. This petition agreement was signed by nearby residents, including the previous owners of Lot 45, now owned by the Gerdes.

Public Input

Since the initial hearing for this request, staff has received public opposition from residents in this neighborhood. The most common concern is that this request would have a negative impact on the property values in the neighborhood. Other concerns conclude that an additional home will be out of character from the existing configuration of the western lots. The residents that are most directly affected by this request reside to the south of this lot (8444 South Kachina Drive). They have expressed a strong opposition to this request and have concerns that without review of the proposed home they will not know the true impacts to their property. See previous letters of opposition in attachments. Since the expiration of the past approval, staff has had communication directly with residents and they have again expressed opposition. These residents have been apprised of the request for re-approval and its next steps in the process. Staff has asked the applicant to provide the City with conceptual plans of what may be constructed on the new lot, a request some of the residents expressed at the previous hearings. The applicant has acknowledged staff's request and plans to provide a concept plan.

Approval Criteria

Subject to the Zoning and Development Code Section 6-312, a request to remove condition(s) of approval shall only be granted if the decision-making body determines that:

- a. The applicant or owner has demonstrated that a mistake of law or fact occurred, and that the mistake was substantial enough to warrant modification or removal of conditions; or
- b. The condition could not be implemented because it is beyond the reasonable control of the applicant and the modification will not require a significant modification of the original decision; or
- c. The circumstances have changed to the extent that the condition(s) is no longer needed or warranted; or
- d. A different condition(s) would better accomplish the purpose of the original condition.

Conclusion

The Gerdes Residence request to eliminate previous conditions of approval for Lot 45 of the Estates La Colina Unit 1 Subdivision, will allow the applicant to build another single-family home that meets the current standards of the existing zoning district. Although the western boundary lots are unique from the other existing lots, this request will appear similar in character with the lot widths of most other lots in this neighborhood.

To ensure that an appropriately sized home is built, staff has added a condition requiring at least a 2,700 square feet home, the same condition that was imposed on Lot 46 at 8444 South Kachina Drive. Furthermore, after additional input from the residents of the neighborhood, staff has recommended two more conditions to address some of the resident concerns. Require the development of the proposed Lot 2 to have a forty (40) feet front yard building setback, which is consistent with the setback character of the adjacent homes on the west side of Kachina Drive. As previously conditioned, the owner has provided as a part of the Gerdes Subdivision provided a non-vehicular easement along the north property line of Lot 1. This will address concerns that this property may in the future be further subdivided to build another home along Calle de Caballos. These stipulations may not satisfy all of the concerns from the residents, but will provide some assurance on how this request is designed, if granted. Staff recommends approval of this request to eliminate previous conditions of approval and allow the owner the same property rights as other property owner's with an R1-7 zoning designation, subject to conditions of approval.

If the decision by Council is not to grant the re-approval of the request, the following would occur: The owners because of an already subdivided lot, would need to sign a lot tie affidavit, holding the two properties as one. This would prohibit constructing two units on the site. If the decision is to grant approval of the request, staff is recommending the applicant proceed with submitting construction plans within one year of Council approval, a typical time frame for development approvals and adhere to other previous conditions set forth.

REASON(S) FOR APPROVAL:

1. The request to subdivide one lot into two will meet the general development standards of the existing R1-7, single-family zoning designation.
2. A previous request to eliminate conditions of approval to allow the subdivision of another western boundary lot was granted adjacent to this request.
3. Eliminating the conditions of approval for Lot 45 will allow the owner(s) the same rights as other property owner's with homes on an R1-7 zoning designation.
4. Circumstances have changed to the extent that the conditions are no longer needed or warranted. Tempe's growth is now based on infill and redevelopment. With the limited single-family housing stock available, this request will provide additional homeownership opportunities. The request will not impact the properties west of McClintock Drive, which was the intent for the original conditions of approval.

CONDITION(S) OF APPROVAL:

1. The future home to be built on Lot 2 of the Gerdes Subdivision shall be a minimum 2,700 square feet in building area.
2. No future variances or use permit standards for setbacks shall be granted for the two new lots.
3. Lot 2 of the Gerdes Subdivision shall have a minimum front yard building setback of forty (40) feet.
4. This approval is valid for these owners only with the existing home on Lot 1 to remain. The owner(s) must submit plans to the Development Services Building Safety Division for building permit by April 3, 2009 or the approval will expire.

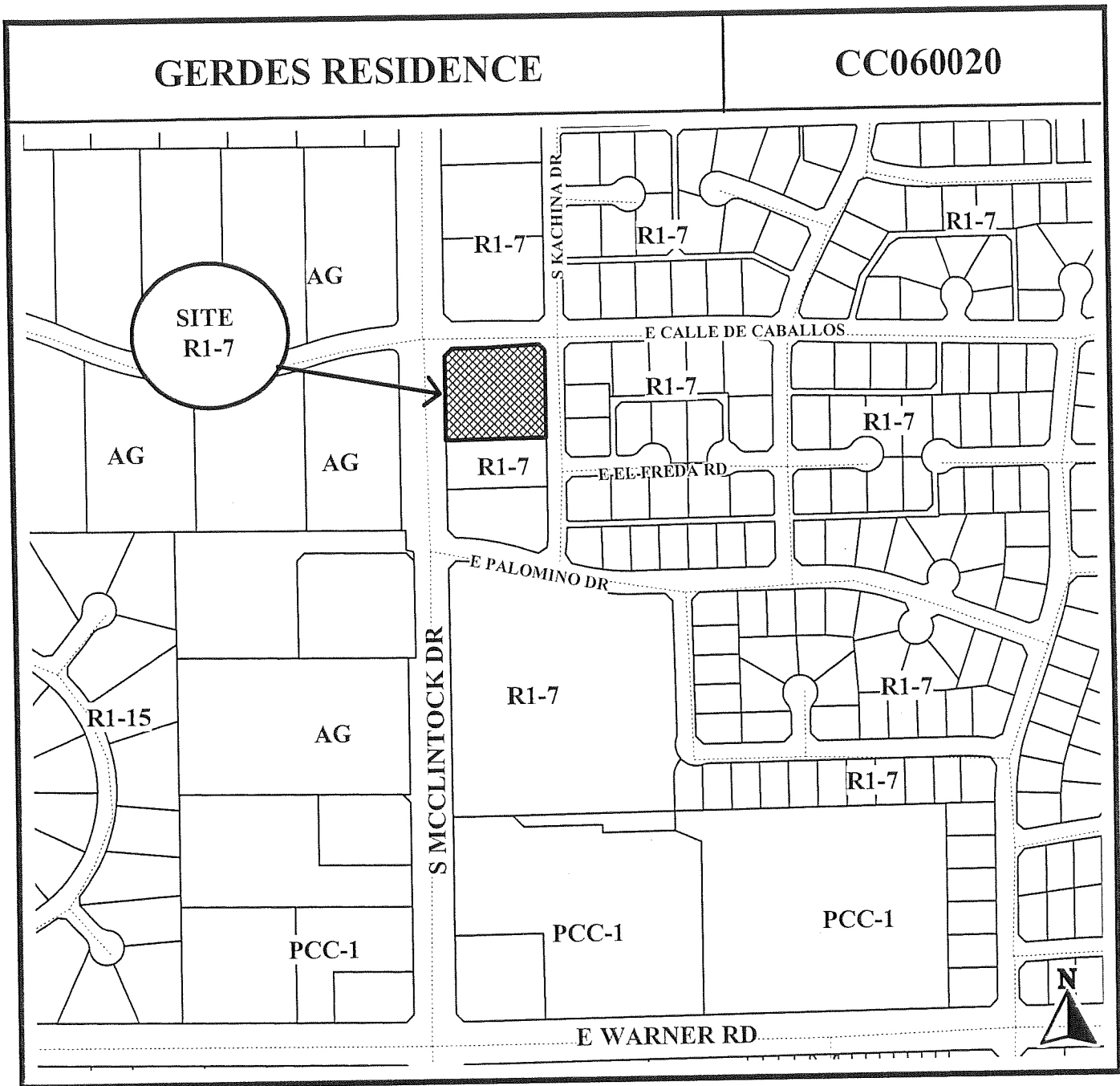
HISTORY & FACTS:

June 29, 1978	City Council approved the request for Estate La Colina for rezoning from AG, Agricultural to R1-7, Single-Family District, including a subdivision plat for Estate La Colina Unit 1.
October 29, 1992	City Council approved the request by John N. Cochran to appeal City Council condition #5 for the purpose of splitting Lot #46 into two separate lots, located at 8444 South Kachina Drive.
June 15, 2006	City Council introduced and held the first public hearing for Gerdes Residence, eliminating previous conditions of approval to allow a replat of one existing lot into two, located at 8404 South Kachina Drive
July 20, 2006	City Council held the second public hearing and approved the request for Gerdes Residence with an additional condition by City Council on a time limitation of the approval, eliminating previous conditions of approval to allow a replat of one existing lot into two, located at 8404 South Kachina Drive.
September 7, 2006	City Council approved the Amended Subdivision Plat for Gerdes Subdivision replatting one existing lot into two, located at 8404 South Kachina Drive.
November 1, 2006	Applicant resubmitted to the City a revised Gerdes Subdivision plat for recordation review and formatting.
November 16, 2006	2nd review corrections picked up by the applicant for the Gerdes Subdivision.
December 27, 2006	Applicant resubmitted to the City a revised Gerdes Subdivision plat for recordation review and formatting.
January 8, 2007	3rd review of plans all corrected, authorizing applicant to produce mylars for recordation of the Gerdes Subdivision.
March 28, 2007	Applicant submitted to the City three sets of signed mylars of the Gerdes Subdivision plat for City signatures and recordation.
April 6, 2007	Replat for Gerdes Subdivision recorded at Maricopa County Recorder's Office.

Note: Development Services has not received any building permit applications for the new lot.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-312 Modify Approved Development Plan, Use Permit, or Condition of Approval
Subsection 6-312 (D)(3)(a-d)



Location Map



February 17, 2006

City of Tempe Development Services

Reference: Parcel # 301-50-051, 8404 S. Kachina, Tempe, AZ 85284
Gerdes Subdivision, (see attached plans)
Elimination of Conditions of approval pertaining
To Whom it May Concern:

This letter is to serve as a request to split our lot into two parcels which would enable us to build a new home on the lot to be split off. We are dealing with Parcel 301-50-051 and wish to take 85' off of the south side of the lot to build a new home to serve as our primary residence. We have been looking for about a year to find a new home or somewhere to build; we have realized that we don't want to leave our south Tempe location. Because of the proximity to our business office as well as the convenient location with respect to all the major freeways we have decided that we do not wish to leave our current location. Our lot currently is 1.5 acres and we are requesting to split that into two parcels so that we can build on the south parcel which will be approx .5 acres leaving the existing home on 1 acre. The new lot will be approx. 85' X 263'. We intend to build a home of approx. 3600 + sq. ft. It will be built in the Tuscan style and will be done to blend in with the other properties around us.

To facilitate this we need to amend or eliminate: The Conditions of Approval pertaining to the June 29, 1978 City Council Approval Letter for the Zoning Request #3 and 5, and Final Subdivision Condition # 5., The request we are making pertains only to this Lot.

Additionally the provisions found in the Zoning and Development , Section 6-312 allow an elimination of conditions based on the following criteria: the circumstances have changed to the extent that the condition is no longer warranted, Due to the shortage of building lots available in Tempe, It should be possible to Split our lot which in essence still leaves us with 2 larger lots than the rest of Estate La Colina. And which the planning and permit departments will have control of any property to be built on this lot.

When we started this process, we did as much research as we could before getting the lot Surveyed because it seemed that it would not be a problem, after our initial submission to Tempe Development Services, we were informed that in the original zoning request it was specified that there could be no lot smaller than $\frac{3}{4}$ of a acre on the properties backing up to McClintock in Estate La Colina.

A few years ago the parcel to the south of us was split into two lots and a second home built next to us. So based on the zoning for our property, the fact that there were no restrictions listed in the CC&R's It seemed that we should not have a problem. We have worked on this for a year now.

After my last meeting with Ryan Lavesque at Development Services , it was determined that we needed to request an exception from the City Council to the initial zoning.

We are therefore requesting an approval to our request to split the lot per the attached diagram.

Thank you very much for your prompt consideration of this matter

Respectfully,



Michael J. and Diane L. Gerdes

February 19, 2008

City of Tempe
Development Services Department
31 E. 5th St.
Tempe, AZ 85281

RE: SBD-2005.126/DS051827/CC050114 Gerdes Residence.

To Whom It May Concern:

This is a request to extend the approval on our lot split for an additional 24 months.

As per the attached letters you can see that we started this process in 2005. It was brought to our attention by an appraiser friend that our lot was zoned so we could split it and build our own home. On or about June 2005 we decided to and we contacted The City of Tempe. Dee Dee Kimbral was kind enough to direct us on how to start. After many calls we had a verbal list and felt that we knew enough to go ahead and order the Survey on October 11th, 2005 at a cost of \$1700.00. At that time we signed a contract with a custom builder and gave them a deposit. We made our first formal submission on November 29th, 2005, at a cost of \$1040.00 for the City Council application. Following that, we were required to submit the first of our drawing red lines for the surveyor. Then we waited. In February we were asked to submit again to the Planning Commission, along with a letter listing the conditions we needed to amend or eliminate, which we did on February 21st 2006 at a cost of \$300.00 along with corrected plans. We also had to order a topographical Survey showing placement of everything on the existing lot at a cost of another \$1500.00. And then we waited.

On or about March 1st, 2006 after all the expense and time, we were informed that the split would not be approved from a City of Tempe employee. We were very disappointed. Then on or about March 15th, 2006, Steve Vonker called and he informed us that we would have to get the signatures on a letter signed by every one in Estate La Colina I, giving us permission to split the lot. We were so excited. We put on our tennis shoes with clip boards and a signed consent form in hand. We quickly found out that tracking down 100+ families was going to be impossible. We decided at that time that it looked like it was not going to happen. In May of 2006 we received a call from Ryan Levesque and he told us that the City Attorneys had contacted him and told him that we could possibly get this done through a public hearing with the City Council which was then scheduled for June 15, 2006 and then again on July 20th 2006. At this meeting we received an approving vote. We received notice of our approval in September when it was mailed to us showing the approved date of Sept 7th, 2006.

After September 7th, 2006 the real fun began. We had no idea that getting an amended Subdivision plan to comply with the stipulations set forth by the City Council would be a full time job. We were very diligent in complying with all of the City of Tempe's

requests, including the recorded amended Subdivision plan showing the 1 foot non-vehicular access easement along the north property line

There would be trips to the Survey Company. And then we would wait. The Surveyors would make their corrections. After they made their corrections we would *hand carry* it to the City of Tempe. And then we would wait. The City of Tempe always had additional corrections or it wasn't exactly right or another department had additional changes to be made. Then we took it back to the Surveyor. Wait. Then back to the City of Tempe. Wait. Each delivery back and forth to The City of Tempe was hand carried, in the hopes of expediting the process. Finally, in April of 2007 the City of Tempe gave it their blessing and is was recorded.

With all of the back and forth and the delays, there was no way we were going to proceed with paying for architects, builders (other than the initial costs) until the lot was legally split and recorded.

Unfortunately, by the time that this was all done and recorded it was apparent that our homes in Tempe were all being affected by the slowdown in the housing market. Our home in April 2007 was at least \$100,000 less than the estimate we received in the summer of 2005. We did refinance in August of 2007 which then left the new lot finally standing on it's own. The Tax Assessor visited our home and adjoining lot almost immediately after the recording of the separation of the two lots from the original mortgage.

As a result we are now paying the taxes separately.

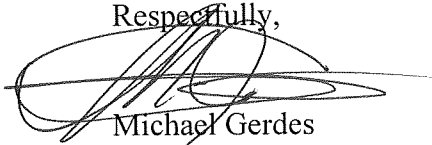
We would like to sell our current home before we go forward with building our new home. With the current inventory levels, the real estate community has advised us to wait to see if the markets will improve. We are realistic in our expectations, but we do not want to give away our home that we have owned for 16 years. Every Realtor that we have spoken to says that if you don't have to sell right now, DON'T.

We are excited to build our new home! But.... we are in historic times and has to make economic sense for us to build. Until April 2007, it never occurred to us that our property would have been affected by the downturn in the housing market.

As a result of the unforeseen historic downturn in the housing market. We are requesting a two year extension to provide the building permits.

Your consideration is greatly appreciated.

Respectfully,



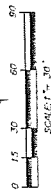
Michael Gerdes



Diane Gerdes

TOPOGRAPHIC SURVEY

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 1 SOUTH, RANGE 4 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.



MONUMENT NOTES:

ALL MONUMENTATION SHOWN HEREIN WERE ACCEPTED UNLESS OTHERWISE NOTED

1 FOUND CITY OF TEMPE BRASS CAP IN HAND HOLE SW CORNER SECTION 13.

2 FOUND CITY OF TEMPE BRASS CAP IN HAND HOLE W 1/4 CORNER SECTION 13.

3 FOUND CITY OF TEMPE BRASS CAP ALONG NO FENCE MARK LOCATED CENTER OF CAP.

4 FOUND BRASS CAP STEM, LOCATED CENTER OF STEM.

5 FOUND 1/2" REBAR UNDER BRICK LANDSCAPE UTILITY.

6 FOUND 1/2" REBAR 0.05' W.

7 FOUND 1/2" REBAR 0.04' S, 0.05' W.

8 FOUND 1/2" REBAR 0.04' N, 0.13' W.

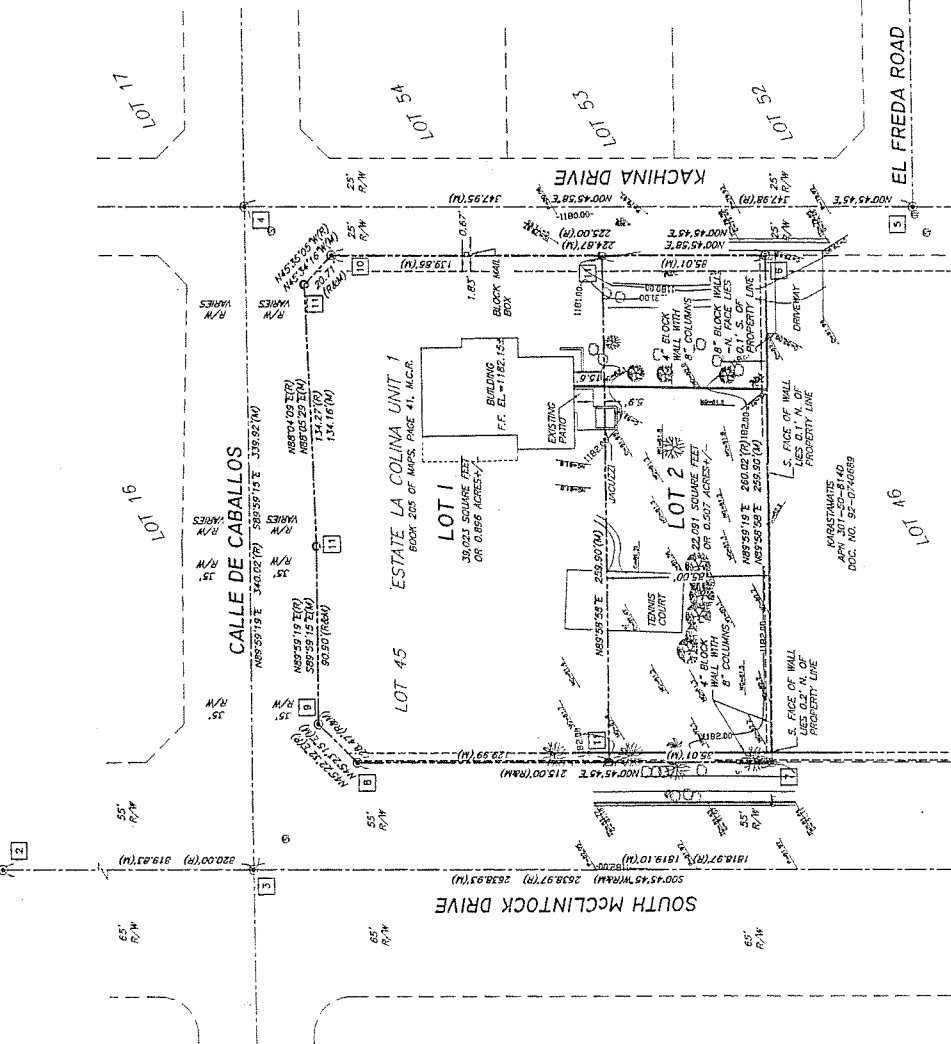
9 FOUND 1/2" REBAR 0.05' N, 0.11' E.

10 FOUND 1/2" REBAR 0.05' N, 0.11' E. WHERE REBAR ENTERS GROUND VERTICALLY.

11 SET 1/2" REBAR W/ CAP TIL 32222°

LEGEND:

- PROPERTY LINE
- MONUMENT LINE
- RIGHT OF WAY LINE
- EASEMENT LINE
- IRRIGATION VALVE
- WATER VALVE
- FIRE HYDRANT
- TELEPHONE RISER
- LIGHT POLE
- TRANSFORMER
- STEEL PILE
- ORANGE TREE
- EUCALYPTUS TREE
- OLEANDER BUSH
- PALM TREE
- BUSH
- SET MONUMENT AS NOTED
- FOUND MONUMENT AS NOTED
- APN
- ASSESSOR'S PARCEL NUMBER
- DOCUMENT
- M.C.R.
- MARICOPA COUNTY RECORDS
- NO. 2
- NUMBER
- P.U.E.
- PUBLIC UTILITY EASEMENT
- RIGHT OF WAY
- V.L.E.
- VEGETATION NON-ACCESS EASEMENT



REFERENCE DATA:

THIS SURVEY IS SUPPORTED BY THE FOLLOWING RECORD INFORMATION:

1. MARICOPA COUNTY RECORDS, SECTION 13, TOWNSHIP 1 SOUTH, RANGE 4 EAST, MARICOPA COUNTY, ARIZONA.

2. MARICOPA COUNTY RECORDS, SECTION 13, TOWNSHIP 1 SOUTH, RANGE 4 EAST, MARICOPA COUNTY, ARIZONA.

3. MARICOPA COUNTY RECORDS, SECTION 13, TOWNSHIP 1 SOUTH, RANGE 4 EAST, MARICOPA COUNTY, ARIZONA.

4. MARICOPA COUNTY RECORDS, SECTION 13, TOWNSHIP 1 SOUTH, RANGE 4 EAST, MARICOPA COUNTY, ARIZONA.

5. MARICOPA COUNTY RECORDS, SECTION 13, TOWNSHIP 1 SOUTH, RANGE 4 EAST, MARICOPA COUNTY, ARIZONA.

BENCH MARK

CITY OF TEMPE BRASS CAP IN HANDHOLE, W 1/4 OF SEC 13, T1S, R4E, ELEVATION= 1182.83

APR 301-50-8140 DOC NO. 97-0740889

APR 301-50-8140 DOC NO. 97-0740889

APR 301-50-8140 DOC NO. 97-0740889

APR 301-50-8140 DOC NO. 97-0740889

APR 301-50-8140 DOC NO. 97-0740889

TOPOGRAPHIC SURVEY

VICINITY MAP
SECTION 13, T1S, R4E
NO SCALE

RECORD OWNER:

MICHAEL J. & DAVID L. GORDON
1800 N. GILBERT AVENUE
TAMPE, ARIZONA 85284

LEGAL DESCRIPTION:

ESTATE LA COLINA UNIT 1, ACCORDING TO BOOK 205 OF MAPS, PAGE 41, RECORDS OF MARICOPA COUNTY, ARIZONA.

LOT 1 - 39.023 SQUARE FEET OR 0.896 ACRES, MORE OR LESS.

LOT 2 - 22.091 SQUARE FEET OR 0.507 ACRES, MORE OR LESS.

LOT 3 - 22.091 SQUARE FEET OR 0.507 ACRES, MORE OR LESS.

LOT 4 - 22.091 SQUARE FEET OR 0.507 ACRES, MORE OR LESS.

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Arizona Surveying and Mapping
ABSOLUTE CONFIDENCE SINCE 1988
P.O. BOX 36455
2211 WEST NORTHERN AVENUE, SUITE 110
PHOENIX, ARIZONA 85009-0455
TEL (602) 246-9919 FAX (602) 246-9946
INFO@ASAM.COM



FIELDWORK BY: JHM
DRAWN BY: JHM
CHECKED BY: JAS
JOB # PFC-001
DATE: 01/21/06

SHEET NO. 1 OF 1



JOHN A. STUSSY REG. 37259

SURVEYOR'S STATEMENT:

I, JOHN A. STUSSY, BEING A LICENSED LAND SURVEYOR IN THE STATE OF ARIZONA HEREBY STATE THAT THIS SURVEY WAS MADE BY ME OR UNDER MY SUPERVISION AND IT IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS INDICATED.

SURVEYOR'S NOTES:

1. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT.
2. PROPERTY MAY BE SUBJECT TO EXISTING EASEMENTS AND RIGHT-OF-WAYS.

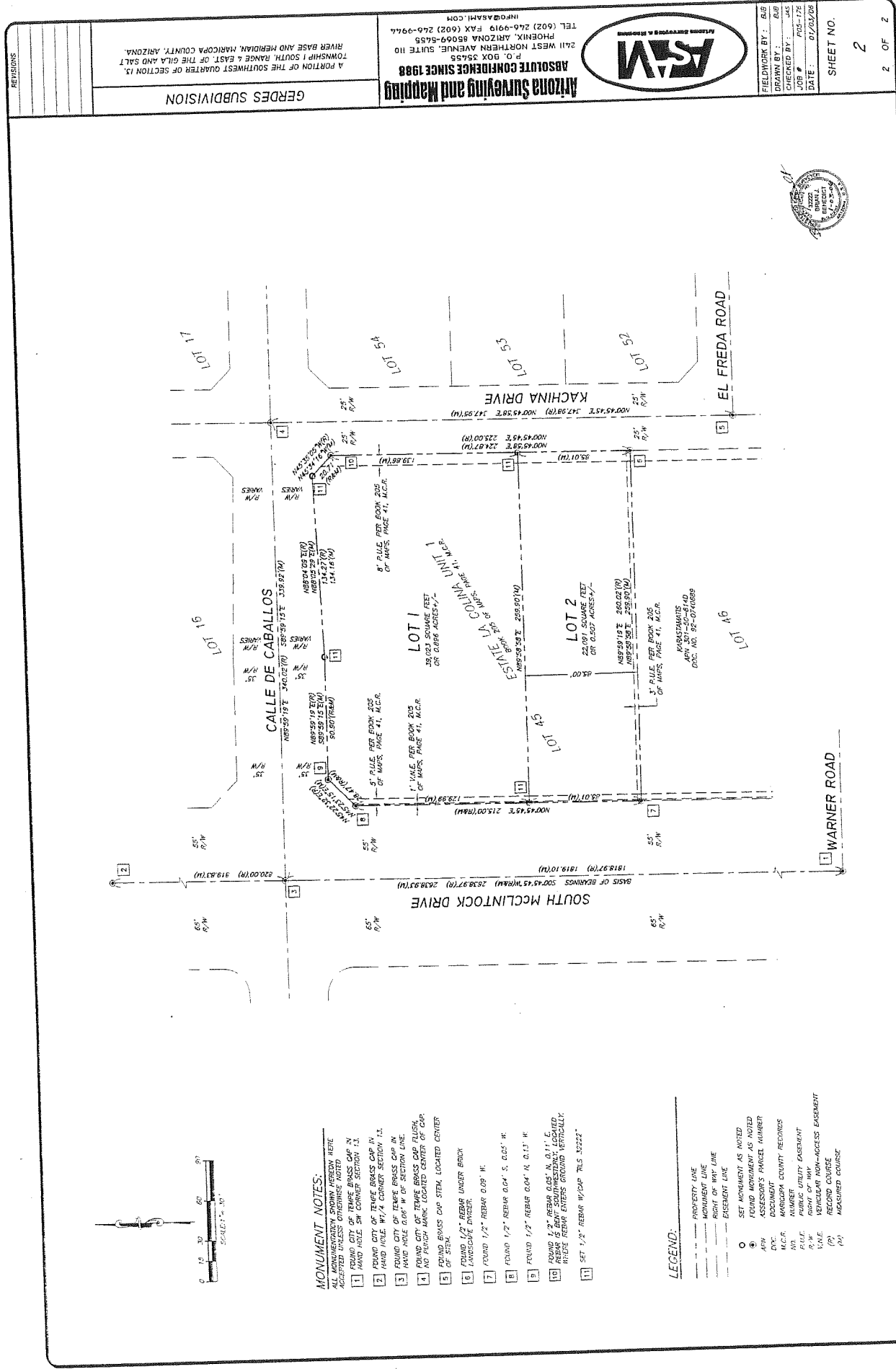
BASIS OF BEARINGS:

NOTES: 1. ALONG THE WEST LINE OF THE TOWNSHIP 1 SOUTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, BETWEEN MONUMENTS LABELED 1 AND 2 SHOWN HEREIN.

AREAS:

LOT 1 - 39.023 SQUARE FEET OR 0.896 ACRES, MORE OR LESS.
LOT 2 - 22.091 SQUARE FEET OR 0.507 ACRES, MORE OR LESS.

FEB 20 2006





CITY OF TEMPE

P.O. Box 5002

Tempe, Arizona 85281

(602) 967-3081

July 5, 1978

Mr. Bob Landis
Lanco Engineering Corp.
6122 N. 7th Street, Suite 3
Phoenix, AZ 85014

Dear Mr. Landis:

At their regular meeting of June ²⁹~~30~~, 1978, the Tempe City Council approved for Mark Hancock Development Co. the zoning request from AG to R1-7 located at the northeast corner of McClintock and Calle de Caballos extended.

At the same meeting, they also approved the final subdivision map for Estate La Colina, Unit 1, located at the northeast and southeast corners of McClintock and Calle de Caballos extended.

The approvals were made subject to the following conditions:

Zoning Request

1. Public Works Department approval of all street dedications, alleys, easements, driveways, drainage, water and sewer construction drawings, refuse pickup, off-site improvements and bikepaths.
2. Any lots which are to be held out for septic tank holding stations shall have all landscaping and maintenance details approved by the Public Works Dept. prior to issuance of any occupancy permits.
3. Lots on the western boundary shall be a minimum of 3/4 acre in gross lot area.
4. As it relates to the subdivision, an agreement between Mark Hancock and the adjacent property owners to the south for the drainage water retention area be approved by Engineering and the City Attorney prior to City Council action.
5. The zoning of this parcel is contingent on the preliminary subdivision and limited to no more than 192 lots on the 81.6 acre site.

HARRY E. MITCHELL, Vice Mayor
PATRICIA A. HATTON, Councilman
BEVERLY HERMON, Councilman

WILLIAM J. IANO, Mayor

ALFRED A. McDONALD, City Manager

JAMES R. PHILLIPS, Councilman
WILLIAM J. REAM, Councilman
GENE REAM, Councilman

6. Details for sewer and drainage provisions shall be approved by the Public Works Dept. prior to submittal of the final plat.
7. The drainage sump shall be dedicated to the City without charge prior to the zoning becoming effective, details for improvements on the site shall be approved by Public Works and Parks Dept. prior to recordation of a final subdivision.
8. That disclosure statements inform purchasers of which lots are on the septic tank system.
9. Engineering construction drawings for all required off-site improvements along McClintock Drive adjacent to this subdivision shall be prepared by the developer at his expense. In lieu of the construction of said improvements, the developer shall furnish a cash deposit to the City in an amount to be determined by the Public Works Director. The City shall then contract for the improvements at a time deemed appropriate by the City Council, and any excess monies shall be refunded to the developer without interest.
10. Disclosure statement advise purchasers of the positive and negative aspects of living in an area where horses are a part of the lifestyle.
11. Developers must post a bond for maintenance of the community sewer-septic tank system.

Final Subdivision Map - Estate La Colina

1. Public Works Department approval of all street dedications, alleys, easements, driveways, drainage, water and sewer construction drawings, refuse pickup, off-site improvements and bikepaths.
2. A six foot masonry wall with mortar wash or slump block finish and reverse frontage landscaping shall be installed along McClintock Dr. prior to issuance of any occupancy permits, details to be approved by staff prior to recordation of the plat.
3. Reverse frontage landscaping shall be installed or a cash bond posted to cover cost plus 10% of the installation prior to issuance of occupancy permits for the models or living units, whichever comes first. This bond to be returned following the completion of this landscaping and its acceptance for maintenance by the Parks and Recreation Department.
4. Any lots which are to be held out for septic tank holding station shall have all landscaping and maintenance details approved by the Public Works Dept. prior to issuance of any occupancy permits.

Mr. Bob Landis
July 5, 1978
Page 3

5. Of the total 88 lots in Phase I, the lots on the western boundary shall be a minimum of one acre in gross lot area.
6. Temporary turnarounds shall be approved by the City Engineer and installed prior to issuance of any occupancy permits for Phase I.
7. The retention basin shall be dedicated to the City at no charge and meet the Storm Drain Ordinance, improvements to be completed by the developer, that is graded, landscaped and sprinkled, details to be approved by staff prior to recordation.

After compliance with the above conditions, the required copies of the Final Map (two mylars) should be signed by the necessary parties and forwarded to our office. Also send a \$10 check made payable to the Maricopa County Recorder for final processing and recording.

After recording of the map, you are required, as per Ord. 381, to furnish the City of Tempe with the following prints of the recorded map:

- 7 - Full Size Blueprints
- 7 - Xerox copies (10" x 15")
- 5 - Reduced photo positives (10" x 15")
- 1 - Cloth print, full size

This may be done either by you or the City of Tempe. Please contact the Planning Division within 10 days if you decide to have these prints made yourself, otherwise you will automatically be billed by Phoenix Blueprint for approximately \$50.

Very truly yours,


Don Hull
Community Development Director

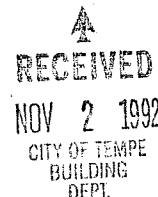
DH/djm

cc: Bldg. Inspections Director
Public Works Director
Engineering Dept.
Real Estate Officer
Traffic Engineer
File No. Z-78.5 & S-78.17
Mark Hancock Dev. Corp.

Community Development
Department

October 30, 1992

John Cochran
3009 W. Ironwood Cr.
Chandler, AZ 85226



Re: #SBD-78.17

Dear Mr. Cochran:

At their regular meeting of October 29, 1992, the City Council approved the request by **JOHN N. COCHRAN** to amend the Final Subdivision Map for Estate La Colina, Unit 1 and appeal Council Condition #5 for the purpose of splitting Lot #46 into two separate lots located at 8444 S. Kachina.

Council Condition to be Appealed

5. Of the total 88 lots in Phase I, the lots on the western boundary shall be a minimum of one acre in gross lot area.

The approval was subject to the following conditions:

1. Lot #46 shall be split into two 3/4+ acre lots.
2. No future variances shall be granted on the two new lots being created.
3. A 6 ft. masonry wall and landscaping as per applicant details shall be installed along Palomino Drive for a distance of 200 feet prior to issuance of occupancy permit.
4. Square footage of homes to be built on lots shall be at least 2700 s.f. or greater with garages to be located along the side or rear.
5. Lot split shall be recorded prior to issuance of building permit.
6. Applicant shall install landscaping along Palomino Drive per his plans. Landscaping to be maintained by applicant, successors or assigned.

After compliance with the above conditions, the required copies of the Final Subdivision Map (three double-matte photo mylars 24" x 36"), with conditions and variances listed, should be signed by the necessary parties and forwarded to our office. Also send a check made payable to the Maricopa County Recorder, for final processing and recording. (For fee charge, please check with one of our Planning Aides.)

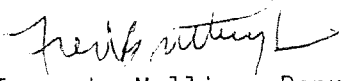
John Cochran
#SBD-78.17
Page 2

After recording the map, the City of Tempe requires as per Ordinance 381, the following prints of the recorded map:

- 5 - Full Size Bluelines 24" x 36"
- 2 - Xerox Copies (8 1/2" x 14")
- 5 - Reduced Photo Positives (8 1/2" x 14")
- 1 - Full Size Photo Mylar

This will be done by the City of Tempe. You will automatically be billed by a Blueprint Company.

Sincerely,


Terry L. Mullins, Deputy Director
Community Development Department

TLM:jrh

cc: File
Building Safety Department
Public Works Department
Engineering Department
Traffic Engineer
Real Estate Officer

Attn: Ryan Levesque, City of Tempe Development Services

Regarding: Parcel # 301-50-051, 8404 S Kachina, Tempe AZ 85284 Gerdes residence, specifically the proposed subdivision of this lot.

Hello,

I am writing this letter to express concerns that my wife and I have about the proposed subdivision of the Gerdes lot. Wanda and I reside at 1821 E El Freda Rd. just south of the Gerdes residence, and would be affected directly by the proposed sub division of their parcel.

The proposed division of their lot would yield a lot of $\frac{1}{2}$ an acre with a frontage of only 85 ft. We feel that a lot of this aspect ratio is incompatible with not only the existing large lots that border the sub-division to the west, but also incompatible with the rest of the lots in the sub-division. I did some research using the GIS map system and the frontage of the new proposed lot would be the narrowest lot in Estate La Colina unit 1. One lot has a width of 86 ft, and the next narrowest lot is 93 ft. As a result of the 85ft width the proposed construction of a 3600+ sq ft house on the newly divided lot would be limited to a width of 71 ft ($85 - 7 - 7$), this would create a structure with an aspect ratio that is considerably different from the existing structures in the subdivision. I am including a copy of the GIS photograph for reference.

I do realize that another large lot parcel was subdivided in the past, but this was done either prior to construction or the construction was done with the foresight of this division. I speculate this because the GIS photographs show that the dwellings are centered on their respective lots. Also these lots are larger, and much wider than the proposed division. The subdivided lots are 32848 sq ft, and 37023 sq ft, the proposed lot is 22355 sq ft. In regards to the width, the narrower of the two has a frontage of 126 ft, this is 48% wider than the proposed lot frontage.

It is my understanding that the original zoning requirements specified that the western lots act as buffer. I feel this was an insightful decision that has had a positive impact on property values in the subdivision. In addition I do not believe there is less of a need for these lots to serve as a buffer than there was when the decision was made. Subsequently there is a real possibility of a negative impact on property values in the subdivision from this proposal.

Considering the aesthetic imbalance, previous zoning requirements and concern for property value we feel that the proposed sub division should not be approved.

Many of the large lots to the west of the subdivision have undergone remodeling projects of various degrees and yielded very nice results. This may be an appropriate alternative to construction of a new residence.

Thank You
Greg & Wanda Dix

JUN 8 2006



Wanda Dix
ATTACHMENT 16

ATTN: Ryan Levesque City of Tempe Development Services

RE: PARCEL # 301-50-051 8404 S Kachina Dr Tempe, Az 85284

June 8, 2006

Dear Mr. Levesque,

I am writing to express my concern regarding the subdivision of the Parcel # listed above.

I purchased my home 20 years ago, and it is located right across from the Gerdes lot. My opinion is that a home squeezed in between two homes will look odd, and I fear my property values will decrease. A home in this position will look out of kilter.

I also understand that the garage will be facing forward, yet two of the newest homes on that side of the street have been prohibited from doing such.

I sincerely hope that you agree that this proposal should not go forward.

Thank you for your consideration,



Sharon Woodard
8429 S Kachina Dr
Tempe, Az. 85284

JUN 12 2006

June 12, 2006

City of Tempe
Planning & Zoning
Tempe, Arizona

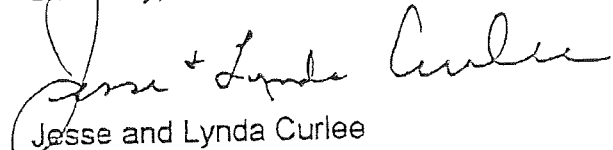
To Whom It May Concern:

This is to express our strong objection to the notice to allow parcel 301-50-051 (case #CC060020) to remove the restriction on lot sizes for the subject parcel.

Many of us purchased homes in this area and were aware of these restrictions. The restrictions were established to enhance the homes in the area and removing them would de-value other homes in the neighborhood.

We respectfully request that you deny this request.

Sincerely,


Jesse and Lynda Curlee
1841 Calle de Caballos
Tempe, AZ 85284

June 12, 2006

City of Tempe
Planning & Zoning
Tempe, Arizona

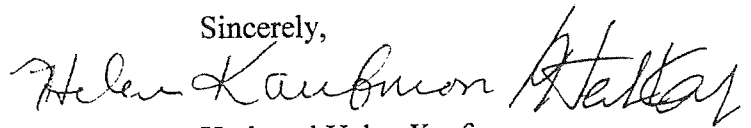
To Whom It May Concern:

This is to express our strong objection to the notice to allow parcel 301-50-051 (case #CC060020) to remove the restriction on lot sizes for the subject parcel.

Many of us purchased homes in the area and were aware of these restrictions. They were established to enhance the homes in the area and removing them would de-value other homes in the neighborhood.

We respectfully request that you deny this change. Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Helen Kaufman".

Herb and Helen Kaufman
1847 E. Calle de Caballos
Tempe, Arizona 85284

June 15, 2006

To City of Tempe Planning and Zoning Commission:

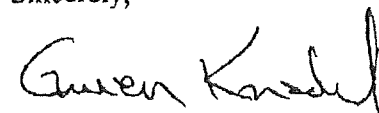
This letter is to protest the change of zoning in my neighborhood at Estate La Colina, in south Tempe, Case # CC060020, Parcel 301-50-051.

I represent the trust that owns the home at 1837 E El Freda. We have lived in the home since it was new in 1979. We bought in this subdivision because of the large lot sizes. The value of our home is directly related to these large lots. I feel that my property value and that of my neighbors will suffer significantly if the Zoning Commission allows this one homeowner to cut a very small lot out his piece of property.

The owner of this lot bought knowing that he was zoned for one house on his large lot. I do not believe that it is fair for him to be able to change his zoning to suit his financial gain while leaving his neighbors with the financial loss that will occur with the inevitable devaluation of our property.

I strongly urge the Zoning Commission to deny the requested zone change.

Sincerely,



Gwen Knadel

City of Tempe
Planning & Zoning
Tempe, Arizona

6/15/06

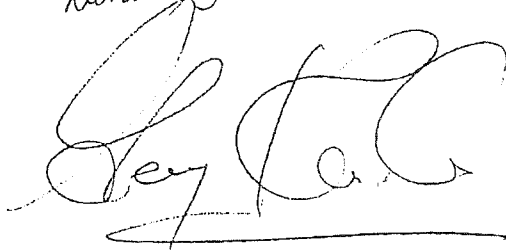
Attention: Mr. Ryan Levesque
Re: Parcel# 301-50-051 (Gerdes Residence)
Case #CC06002

This letter is to formally advise you of our objection to the proposed subdivision of the lot located at 8404 South Kachina Drive, Tempe, Az. We are the residents located just south of this property at 8444 S. Kachina Drive, Tempe, and therefore the home most impacted by this proposal.

We have faxed you this preliminary letter of objection, but will be attending the City Council meeting this evening where we will further express our major concerns regarding this proposed subdivision. Please include our letter of opposition in Agenda Item#58 which will meet on 6/15/06. Thank you for your cooperation in this matter.

Respectfully Yours,

George and Denise Karastamatis

Denise Karastamatis


City of Tempe Development Service
Planning & Zoning
Re: Parcel # 301-50-051 (Gerdes Residence)
Case # CC06002 Agenda Item # 58

6/15/06

City Council Members,

This letter is in regards to the proposed lot split of 8404 S. Kachina Drive, Tempe, Parcel # 301-50-051, Case # CC060020. We currently are the homeowners who reside at 8444 S. Kachina Drive, the property located south of the Gerdes residence and therefore the ones most directly affected by this proposal. We strongly oppose the request for subdivision and fear it would have a negative impact on the value of our home, as well as other homes in Estate La Colina.

When we purchased our lot in 1992 it was an empty lot that was then subdivided into 2 equal lots of approx. $\frac{3}{4}$ + per lot. The same process was followed and approval was granted. In contrast to the current request the lot in question currently has a home on it and the proposed lot split is not an equal split. The first lot is considerably larger approx. 1 acre and the new lot to be split approx. $\frac{1}{2}$ and acre. It is our contention that the size of the new lot would not be in proportion with the other existing homes on the same side of Kachina Drive.

When we built our home in 1994 we built it from the ground up 2x4 by 2x4. We put all of our effort into making it an asset to the community, and we feel we accomplished that goal. In consideration of our neighbors we carefully centered our home on our lot, and our set backs were 30' off the north and south sides. We did that intentionally to allow our neighbors to maintain their privacy as well as our own. In retrospect had we been aware of a future lot split we would have planned our layout differently.

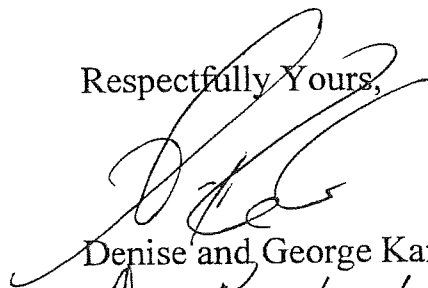
We have had serious questions as to how the proposed home would sit on the new lot. We were unable to obtain a footprint of the new structure which would have shown the front, rear and side set backs. We feel this is paramount in order for the council or anyone to make an informed decision pertaining to said subdivision. This information would allow existing homeowners to see how this new home would appear aesthetically and if it would blend and conform to the other homes in the area.

We have included an aerial photo of the surrounding properties showing the layout of the current homes. As is evident from the photo this already is an established neighborhood. This is not a new development nor is it a tract


home community. Many of the homes are valued well over \$550,000.00 and up. In addition several homes have undergone extensive renovations on their existing homes to the betterment of all homeowners in the community. In contrast we feel this proposal benefits only one, at the expense of so many others. It is with this in mind that we implore you to take into consideration the community as a whole and evaluate what's best for all parties concerned.

We are not here today to destroy anyone else's dreams but we are here to protect the dreams we too have worked so hard to accomplish. Our homes are truly our biggest and most valuable investment and each one of us would do whatever we need to do to protect our investment for the future. We will continue to monitor this request for subdivision and will return for the next council meeting on July 20th, 2006. Thank you for your time.

Respectfully Yours,



Denise and George Karastamatis



City of Tempe Development Service
Planning & Zoning
Re: Parcel # 301-50-051 (Gerdes Residence)
Original Case # CC6002

3/25/08

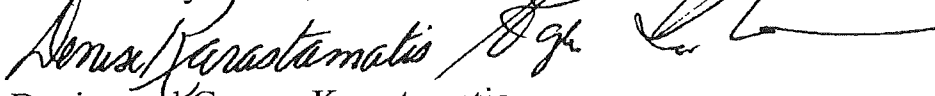
City Council Members,

This letter is written once again to express our continual objection to the proposed sub-division of the existing lot into two for the purpose of developing a second home at 8404 South Kachina Drive. We have gone through this process before and in spite of the special exception that was granted, the Gerdes have failed to comply with the stipulations that were made at the City Council's final meeting on July 20th, 2006. Due to the fact the conditions were not met within the specified 18 month period the original approval lapsed and currently is null and void.

It is our contention that if specific conditions were requested by the City Council as a basis for their approval; than those conditions should be met and should be non-renegotiable. We feel regardless of any further situation or circumstance the Gerdes had ample time to complete the required conditions within the 18 month period they were granted, which is 6 months longer than any other applicant is given.

Again we ask for your utmost consideration in this matter and thank you for your cooperation and time.

Respectfully Yours,



Denise and George Karastamatis
8444 S. Kachina Drive
Tempe, Az. 85284

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Total Living Area (sq. ft.):

0 to Over 6,000

Sort by:

Sales Popularity

Number of Floors:

1

Garage Type: Garage Size:

Attached 3 cars

House Plan Style:

Mediterranean

Bedrooms:

3

Baths:

3/3½

Exterior Walls:

All

Foundation:

Slab

Special Features:

All

Maximum Dimensions:

Width (feet)

Depth (feet)

70

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Detailed Prices and Options**One Set**

n/a

Five Sets

\$2,580

Eight Sets

n/a

Reproducible

\$2,780

PDF File

\$2,780

CAD

\$3,030

Best Price Guarantee**Style:** Mediterranean, Florida, Premium Collection, Luxury**Living Area:** 3,316 sq. ft.**Main Flr:** 3,316 sq. ft.**Attached Garage:** 3 car**Bedrooms:** 3**Full Bathrooms:** 3**Half Bathrooms:** 1**Width:** 67'6"**Depth:** 110'**Maximum Ridge Height:** 25'11"**Exterior Walls:** Block**Standard Foundations:** Slab**Optional Foundations:** [Request a modification price quote.](#)[Click to view detailed prices and options](#)

✦ Opulent ceiling treatments and interior columns complement the open floor plan of this luxurious Mediterranean design.

✦ A secluded master suite offers privacy and includes special touches such as floor-to-ceiling windows for a wonderful view of the covered lanai, an oversized walk-in shower, special ceiling treatments and a soaking tub set in a bay.

✦ Additional floor-to-ceiling windows can be found in the parlor, gathering room and dinette.

✦ A summer kitchen on the covered lanai enhances outdoor living.

Plan W24004BG: Designed for Luxury[View or Print Clearer Image \(PDF\) of Main Level](#)

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CONCEPT PLAN PROPOSED FOR SITE

